

IN THE UNITED STATES DISTRICT COURT- DISTRICT OF
- DELAWARE-

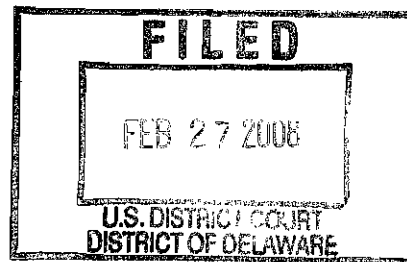
Robert D. BROWN

PLAINTIFF,

VS.

Civ. A. No. 07-023SLR

Wilmington Police Officer Rinehart
And Wilmington Police Officer Drysdale
Defendants.



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Motion For Summary Judgment

Plaintiff comes now on this 24th day of February 2008 and demands the Court enter and grant this motion of Summary Judgment in the sum of \$50,000.00 Fifty Thousand Dollars, where,

1. As was requested in Discovery Brown demanded a copy of the Police Report dated April 16, 2006, and any duly sworn and validated actions in which to substantiate the officers actions as are alleged to have occurred as they so dictated. These said reports are conflicting in ways to corroborate these officers actions against Plaintiff. The Wilmington Police Department's Defensive Tactics Report states Plaintiff was tackled but the Police Report states Plaintiff was grabbed by his coat and hit with the heel of officer Hazzard's hand. Also the Wilmington Hospital Discharge Instructions dated April 16, 2006 doesn't state that any

Doctor from the EMERGENCY ROOM treated Plaintiff for his head injury NOR the chemical conjunctivitis, it DOESN'T discuss ANY AVENUES taken towards Plaintiff at the time of entry to decrease ANY pain Plaintiff suffered. Also Kimberly GRIER'S ACCOUNT of what happened AFTER Plaintiff WAS CAP STUNNED IS NOT CONSISTENT with the DEFENSIVE TACTICS REPORT NOR the Police Report dated April 16, 2006. ON DECEMBER 12th, 2007 A motion to compel discovery was granted to plaintiff, Defendants ATTORNEY ROSAMARIA TASSONE sent Plaintiff EVERYTHING but the full copy of the Wilmington Police Department Police Officer's MANUAL which plaintiff requested in his motion for discovery.

2. ON July 17, 2006 Plaintiff's ATTORNEY for the criminal charges filed A motion to compel discovery on plaintiff's behalf and from the time that the incident occurred to plaintiff's trial in the criminal phase the defendants would not produce ANY. Also the state failed or refused to order the defendants to produce these documents that all of a sudden turned up. The trial was on NOVEMBER 11th, 2006 which said charges were dismissed. CASE NUMBER for a copy of motion is 0604011182, also the motion was dated SEPTEMBER 5th, 2006.


3. THESE SAID Reports the Police Report dated April 16, 2006 AND the Wilmington Police Department DEFENSIVE TACTICS Report also dated April 16, 2006 describe two different ACCOUNTS of what

occurred on the morning of April 16, 2006. Also when the Police took a statement from Ms. Greer on her account of what happened after Brown was maced is conflicting with officer Hazzard's account of what occurred.

a) This Having properly claimed under the 8th Amendment that the assault occurred with the intent to maliciously and sadistically cause harm outside the scope intended to enforce and/or gain control Brown maces,

The Court need grant Summary Judgement in favor of Brown.

2-24-08


Robert D. Brown

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Robert D. Brown

Plaintiff

C.A. No. 07-23SLR


v.

Wilmington Police Officer Rinehart,
Wilmington Police Officer Drysdale
Defendants.

Certificate Of Service

I, Robert D. Brown, Pro Se litigant hereby certify that on this 24th day of February 2008 I am filing a motion for Summary Judgement with the Clerk of Court and a copy of said document shall be forwarded to the following party:

ROSAMARIA TASSONE (I.D. # 3546)
City of Wilmington Law Department
Louis L. Redding City/County Building
800 French Street, 9th Floor
Wilmington, DE 19801


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U.S. MAIL
EX-RAY



Clerk of the Court
United States District Court
844 North King Street, Lockbox 18
Wilmington, DE 19801 - 3570

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